

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
19-CA-250887Date Filed
10/25/19**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Swedish Medical Center		b. Tel. No. 206-386-3403
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston	g. e-mail Shelley.Livingston@swedish.org
		h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2019, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6) position in the First Hill Kidney Acquisitions Clinic in retaliation for (b) (6) participation in protected concerted activities, including delivering a petition demanding better working conditions, participating in the processing of three grievances, and requesting union representation. In doing so, Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating (b) (6) without just cause.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU Healthcare 1199NW

4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Service Employees International Union**6. DECLARATION**

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



Trey Smiley, Legal Assistant

(signature of representative or person making charge)

(Print/type name and title or office, if any)

Tel. No.
425-306-2802Office, if any, Cell No.
425-306-2802Fax No.
425-917-9707e-mail
TreyS@seiu1199nw.org

Address 15. S. Grady Way, #200 Renton, WA 98057

Date 10/25/2019

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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October 31, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-250887

Dear Ms. Livingston:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney STEPHANIE COTTRELL whose telephone number is (206)220-6338. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, slightly slanted style.

RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave., SW
Renton, WA 98057-3368

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

19-CA-250887

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-250887

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 31, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave., SW
Renton, WA 98057-3368

October 31, 2019

Date

Kristy Kennedy
Designated Agent of NLRB

Name


Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

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Telephone: (206)220-6300
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October 31, 2019

Trey Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-250887

Dear Mr. Smiley:

The charge that you filed in this case on October 25, 2019 has been docketed as case number 19-CA-250887. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney STEPHANIE COTTRELL whose telephone number is (206)220-6338. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of charge

AMENDED

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
19-CA-250887Date Filed
11/19/2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Swedish Medical Center		b. Tel. No. 206-386-3403
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston	g. e-mail Shelley.Livingston@swedish.org
		h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) position in the First Hill Kidney Acquisitions Clinic and disciplined (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) participation in union and/or protected concerted activities, including delivering a petition demanding better working conditions, participating in the processing of three grievances, and requesting union representation. In doing so, Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating and disciplining (b) (6), (b) (7)(C) without just cause.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU Healthcare 1199NW

4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Service Employees International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(signature of representative or person making charge)

Kristen Kussmann, Attorney

(Print/type name and title or office, if any)

Address 1904 Third Ave., Suite 1030, Seattle, WA 98101-1170

Date 11/19/2019

Tel. No. 206.623.0900
Office, if any, Cell No.
Fax No. 206.623.1432
e-mail kristenk@ddmglaw.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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Seattle, WA 98174-1006

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Fax: (206)220-6305



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November 21, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-250887

Dear Ms. Livingston:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of first amended charge

cc: Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

lu

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-250887

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 21, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

November 21, 2019

Date

Dennis Snook, Designated Agent of NLRB

Name

Leila Homoto

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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November 21, 2019

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-250887

Dear Ms. Stinson-Smiley:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

lu



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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December 19, 2019

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-250887

Dear Ms. Stinson-Smiley:

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
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December 19, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-250887

Dear Ms. Livingston:

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of second amended charge

cc: Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-250887

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 19, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

December 19, 2019

Date

Dennis Snook, Designated Agent of NLRB

Name

Dennis Snook

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

December 31, 2019

John Hauge, VP, Senior
Providence Health Services
Labor & Employment Counsel
1801 Lind Ave SW
Renton, WA 98057

**Re: Swedish Medical Center
Case 19-CA-250887**

Dear Mr. Hauge:

This is to inform you that I have approved the withdrawal of the allegations of the charge that alleges the Employer violated the Act by more closely scrutinizing an employee, and by unilaterally changing an employee's terms and conditions of employment by terminating and disciplining the employee without just cause. All other portions of the charge remain outstanding, and subject to further processing.

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: Shelley Livingston, Director, Labor Relations Swedish Medical Center 747 Broadway Seattle, WA 98122-4307	Trey Stinson-Smiley, Legal Assistant SEIU Healthcare 1199NW 15 S Grady Way, #200 Renton, WA 98057-3239
Ryan P. Hammond, Attorney Aurora J. Wilson, Attorney Littler Mendelson, PC One Union Square 600 University St, Ste 3200 Seattle, WA 98101-3122	Kristen Kussmann, Attorney Douglas Drachler McKee & Gilbrough, 1904 3rd Ave, Suite 1030 Seattle, WA 98101-1170

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**SWEDISH HEALTH SERVICES
D/B/A SWEDISH MEDICAL CENTER**

and

SEIU HEALTHCARE 1199NW

**Cases 19-CA-250887
19-CA-250947
19-CA-251600**

**AFFIDAVIT OF SERVICE OF: ORDER CONSOLIDATING CASES,
CONSOLIDATED COMPLAINT AND NOTICE OF HEARING (with forms NLRB-
4338 and NLRB-4668 attached).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 28, 2020, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3008**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3015**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

FIRST CLASS MAIL

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

KRISTEN KUSSMANN, Attorney
DOUGLAS DRACHLER McKEE &
GILBROUGH LLP
1904 3RD AVE STE 1030
SEATTLE, WA 98101-1170

FIRST CLASS MAIL

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

January 28, 2019.

Date

FIRST CLASS MAIL

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Dennis Snook

Dennis Snook, Designated Agent of NLRB

Name

Kathlyn L. Mills

Signature

Kathlyn L. Mills, Secretary

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 19-CA-250887, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3008**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3015**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

FIRST CLASS MAIL

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

KRISTEN KUSSMANN, Attorney
DOUGLAS DRACHLER McKEE &
GILBROUGH LLP
1904 3RD AVE STE 1030
SEATTLE, WA 98101-1170

FIRST CLASS MAIL

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

FIRST CLASS MAIL

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**SWEDISH HEALTH SERVICES
d/b/a SWEDISH MEDICAL CENTER**

and

SEIU HEALTHCARE 1199NW

**Cases 19-CA-250887
 19-CA-250947
 19-CA-251600**

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board (the "Board") and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 19-CA-250887, 19-CA-250947, and 19-CA-251600, which are based on charges filed by SEIU Healthcare 1199NW (the "Union") against Swedish Health Services d/b/a Swedish Medical Center ("Respondent"), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the Board, and alleges that Respondent has violated the Act as described below.

1.

(a) The charge in Case 19-CA-250887 was filed by the Union on October 25, 2019, and a copy was served on Respondent by U.S. mail on October 31, 2019.

(b) The first amended charge in Case 19-CA-250887 was filed by the Union on November 19, 2019, and a copy was served on Respondent by U.S. mail on November 21, 2019.

(c) The charge in Case 19-CA-250947 was filed by the Union on October 31, 2019, and a copy was served on Respondent by U.S. mail on October 31, 2019.

(d) The first amended charge in Case 19-CA-250947 was filed by the Union on November 19, 2019, and a copy was served on Respondent by U.S. mail on November 21, 2019.

(e) The charge in Case 19-CA-251600 was filed by the Union on November 12, 2019, and a copy was served on Respondent by U.S. mail on November 13, 2019.

(f) The first amended charge in Case 19-CA-251600 was filed by the Union on November 21, 2019, and a copy was served on Respondent by U.S. mail on November 22, 2019.

2.

(a) At all material times, Respondent has been a State of Washington nonprofit corporation with offices and places of business in Seattle, Washington (the "facilities"), including on First Hill (the "First Hill facility"), and has been engaged in providing health care services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent has derived gross revenues in excess of \$250,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent

purchased and received, at the facilities, goods valued in excess of \$50,000 directly from points outside the State of Washington.

(d) At all material times; Respondent has been engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of § 2(14) of the Act.

3.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4.

On or about May 24, 2019, Respondent, by (b) (6), (b) (7)(C) threatened an employee with termination because the employee engaged in Union activity.

5.

(a) On about August 12, 2019, Respondent, by (b) (6), (b) (7)(C) outside of Respondent's First Hill facility engaged in surveillance of its employees engaging in Union activities.

(b) On about August 12, 2019, Respondent, by (b) (6), (b) (7)(C), at a Starbucks located by Respondent's First Hill facility gave its employees the impression that their union activities were under surveillance.

6.

(a) On about May 29, 2019, and August 6, 2019, Respondent, by (b) (6), (b) (7)(C) issued written warnings to employee (b) (6), (b) (7)(C).

(b) In or around the beginning of June 2019, Respondent, by (b) (6), (b) (7)(C) rescinded permission previously granted to its employee (b) (6), (b) (7)(C) to work from home.

(c) Beginning in or around July 2019, Respondent, by (b) (6), (b) (7)(C) excluded (b) (6), (b) (7)(C) from department meetings.

(d) On about (b) (6), (b) (7)(C) 2019, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) discharged its employee (b) (6), (b) (7)(C).

(e) On about (b) (6), (b) (7)(C) 2019, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) discharged its employee (b) (6), (b) (7)(C).

(f) On about (b) (6), (b) (7)(C) 2019, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) discharged employee (b) (6), (b) (7)(C).

(g) Respondent engaged in the conduct described above in paragraphs 6(a) through 6(f) because the named employees of Respondent supported the Union and engaged in concerted activities, and to discourage employees from engaging in these or other Union and/or protected, concerted activities.

7.

By the conduct described above in paragraph 6, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(1) and (3) of the Act.

8.

By the conduct described above in paragraphs 4 and 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

9.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 6(d) through 6(g), the General Counsel seeks an order requiring that Respondent reimburse its employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for all search-for-work and work-related expenses as well as for reasonable consequential damages incurred by them as a result of Respondent's unlawful conduct. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be received by this office on or before, February 11, 2020 or

postmarked on or before February 10, 2020. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

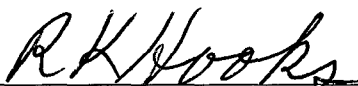
An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed

untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 9 a.m. on the 28th day of April, 2020, in the James C. Sand Hearing Room of the Jackson Federal Building, 915 Second Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 28th day of January, 2020.



RONALD K. HOOKS, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave, Suite 2948
Seattle, WA 98174-1006

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 19-CA-250887, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3008**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

**CERTIFIED MAIL NO.
7017 1000 0000 2263 3015**

Shelley Livingston, Director
Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

FIRST CLASS MAIL

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

FIRST CLASS MAIL

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

KRISTEN KUSSMANN, Attorney
DOUGLAS DRACHLER McKEE &
GILBROUGH LLP
1904 3RD AVE STE 1030
SEATTLE, WA 98101-1170

FIRST CLASS MAIL

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

SWEDISH HEALTH SERVICES D/B/A SWEDISH
MEDICAL CENTER

and

SEIU HEALTHCARE 1199NW

**ANSWER TO THE ORDER
CONSOLIDATING CASES TO
CONSOLIDATED
COMPLAINT AND NOTICE
OF HEARING**

Case No.'s 19-CA-250887
19-CA-250947
19-CA-251600

Respondent Swedish Health Services d/b/a Swedish Medical Center (“Respondent”) answers the Complaint and Notice of Hearing (“Complaint”) filed by Region 19 of the National Labor Relations Board based upon charges filed by SEIU Healthcare 1199NW (the “Union”) in Cases 19-CA-250887, 19-CA-250947, 19-CA-251600 as follows:

Except as otherwise expressly stated herein, Respondent denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint, and Respondent specifically denies that it violated the National Labor Relations Act in any of the manners alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the Board’s rules, averments to which no responsive pleading are required shall be deemed as denied. Respondent expressly reserves the right to amend and/or supplement its Answer as may be necessary. Answering the opening paragraphs of the Consolidated Complaint, Respondent denies that consolidation of Cases 19-CA-250887, 19-CA-250947, 19-CA-251600 is proper or warranted. Respondent responds to the numbered paragraphs in the Complaint as follows:

1.
 - (a) Respondent admits the allegations contained in paragraph 1(a) of the Complaint.
 - (b) Respondent admits the allegations contained in paragraph 1(b) of the Complaint.
 - (c) Respondent admits the allegations contained in paragraph 1(c) of the Complaint.
 - (d) Respondent admits the allegations contained in paragraph 1(d) of the Complaint.
 - (e) Respondent admits the allegations contained in paragraph 1(e) of the Complaint.
 - (f) Respondent admits the allegations contained in paragraph 1(f) of the Complaint.
2.
 - (a) Answering paragraph 2(a) of the Complaint, Respondent admits that it is a non-profit corporation and was engaged in the provision of health care services at all material times.
 - (b) Respondent admits the allegations contained in paragraph 2(b) of the Complaint.
 - (c) Respondent admits the allegations contained in paragraph 2(c) of the Complaint.
 - (d) Respondent states that the allegations contained in paragraph 2(d) of the Complaint state legal conclusions to which no response is required, and states further that it is the Burden of the General Counsel to produce evidence to prove such allegations.
3. To the extent the allegations contained in Paragraph 3 of the Complaint set forth legal conclusion(s), Respondent notes that no response is required, and notes that it is the Burden of the General Counsel to produce evidence to prove such allegations. Furthermore, as the time period at issue remains undefined, the allegation “at all material times” is vague and ambiguous; Respondent therefore denies that specific allegation. Subject to and without waiving its position, Respondent admits that the individuals identified in Paragraph 3 held the positions opposite their respective names at some point, as set forth below:

(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)

4. Respondent denies the allegations contained in paragraph 4 of the Complaint.
5.
 - (a) Respondent denies the allegations contained in paragraph 5(a) of the Complaint.
 - (b) Respondent denies the allegations contained in paragraph 5(b) of the Complaint.
6.
 - (a) Respondent denies the allegations contained in paragraph 6(a) of the Complaint.
 - (b) Respondent denies the allegations contained in paragraph 6(b) of the Complaint.
 - (c) Respondent denies the allegations contained in paragraph 6(c) of the Complaint.
 - (d) Respondent admits the allegations contained in paragraph 6(d) of the Complaint.
 - (e) Respondent admits the allegations contained in paragraph 6(e) of the Complaint.
 - (f) Respondent denies the allegations contained in paragraph 6(f) of the Complaint.
 - (g) Respondent denies the allegations contained in paragraph 6(g) of the Complaint.
7. The allegation contained in paragraph 7 of the Complaint states a legal conclusion to which no response is required, and as such Respondent denies the allegation..
8. The allegation contained in paragraph 8 of the Complaint states a legal conclusion to which no response is required, and as such Respondent denies the allegations..
9. The allegation contained in paragraph 9 of the Complaint states a legal conclusion to which no response is required, and as such Respondent denies the allegations..

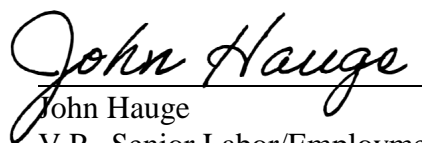
AFFIRMATIVE DEFENSES

As for its affirmative defenses, and without assuming the General Counsel's burden of proof on any issue, Respondent alleges as follows:

1. Some or all of the claims asserted in the Complaint are barred by the six-month statute of limitations set forth in Section 10(b) of the Act.
2. The Complaint fails to allege facts sufficient to state a claim upon which relief may be granted.
3. Respondent's actions are privileged by law.
4. The Complaint and each and every claim for relief asserted therein is barred by the doctrine of unclean hands.
5. Based on such information and belief Respondent alleges that Charging Party is estopped from recovering any relief under the Complaint or any purported claim for relief alleged therein based on its own improper conduct.
6. By its conduct, Charging Party has waived any right to recover any relief by the Complaint, or any purported claim for relief alleged therein.
7. The Respondent presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses, and reserves the right to amend this Answer to assert any such defenses as necessary and appropriate.

DATED: February 11, 2020.

Respectfully submitted,

A handwritten signature in black ink that reads "John Hauge". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

John Hauge
V.P., Senior Labor/Employment Counsel
Swedish Health Systems
1801 Lind Ave.
Renton, WA 98057
E-mail: John.Hauge@providence.org
Telephone: 425-525-5629

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2020, I served by e-file the foregoing **ANSWER TO COMPLAINT AND NOTICE OF HEARING** on the following:

Ronald Hooks
Regional Director
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

I further certify that on February 11, 2020, I served by e-mail a full, true and correct copy of the foregoing **ANSWER TO COMPLAINT AND NOTICE OF HEARING** on the following at their e-mail address shown below:

Kristen Kussman, Attorney
SEIU Healthcare 1199NW
Douglas, Drachler, McKee and Gilbrough, LLP
1904 3rd Ave., Suite 1030
Seattle, WA 98101-1 170
E: KristenK@ddmglaw.com

DATED: February 11, 2020.

(b) (6), (b) (7)(C)

Swedish Medical Center
1801 Lind Ave.
Renton, WA 98057
E-mail: (b) (6), (b) (7) @providence.org
Telephone: (b) (6), (b) (7)(C)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-250947	Date Filed 10/31/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Swedish Medical Center		b. Tel. No. 206-386-3403
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston	g. e-mail Shelley.Livingston@swedish.org
		h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C) 2019, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6), position in the First Hill Kidney Acquisitions Clinic and accessed (b) (6), private medical records in retaliation for (b) (6), participation in protected concerted activities, including delivering a petition demanding better working conditions, participating in the processing of three grievances, and requesting union representation. In doing so, Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating (b) (6), without just cause.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU Healthcare 1199NW

4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Service Employees International Union**6. DECLARATION**

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Trey Smiley, Legal Assistant

(Print/type name and title or office, if any)

Tel. No.
425-306-2802Office, if any, Cell No.
425-306-2802Fax No.
425-917-9707e-mail
TreyS@seiu1199nw.org

Address 15. S. Grady Way, #200 Renton, WA 98057

Date 10/31/2019

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

October 31, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-250947

Dear Ms. Livingston:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney STEPHANIE COTTRELL whose telephone number is (206)220-6338. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave., SW
Renton, WA 98057-3368

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-250947

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 31, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave., SW
Renton, WA 98057-3368

October 31, 2019

Date

Kristy Kennedy
Designated Agent of NLRB

Name


Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

October 31, 2019

Trey Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-250947

Dear Mr. Smiley:

The charge that you filed in this case on October 31, 2019 has been docketed as case number 19-CA-250947. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney STEPHANIE COTTRELL whose telephone number is (206)220-6338. If this Board agent is not available, you may contact Deputy Regional Attorney BRIAN SWEENEY whose telephone number is (206)220-6327.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

SWEDISH MEDICAL CENTER
and
SEIU HEALTHCARE 1199NW

CASE 19-CA-250887

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Swedish Medical Center

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: John Hauge	
MAILING ADDRESS: 1801 Lind Ave. S.W. Renton, WA 98057	
E-MAIL ADDRESS: john.hauge@providence.org	
OFFICE TELEPHONE NUMBER: 425-525-5629	
CELL PHONE NUMBER:	FAX:
SIGNATURE: <i>/s/ John Hauge</i>	
(Please sign in ink.)	
DATE: 11/6/2019	

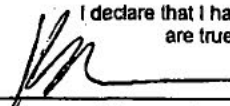
¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
AMENDED

DO NOT WRITE IN THIS SPACE	
Case 19-CA-250947	Date Filed 11/19/2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Swedish Medical Center	b. Tel. No. 206-386-3403
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston
	g. e-mail Shelley.Livingston@swedish.org
	h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the last six months, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) position in the First Hill Kidney Acquisitions Clinic, accessed (b) (6), (b) (7)(C) private medical records, ended (b) (6), (b) (7)(C) telecommuting arrangement, and excluded (b) (6), (b) (7)(C) from meetings in retaliation for (b) (6), (b) (7)(C) participation in union and/or protected concerted activities, including delivering a petition demanding better working conditions, participating in the processing of three grievances, and requesting union representation. In doing so, Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) without just cause. Swedish additionally surveilled and created the impression of surveillance of (b) (6), (b) (7)(C) and other employees.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU Healthcare 1199NW	
4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) Kristen Kussmann, Attorney (Print/type name and title or office, if any)	
Tel. No. 206.623.0900	
Office, if any, Cell No.	
Fax No. 206.623.1432	
e-mail kristenk@ddmgllaw.com	
Address 1904 Third Ave., Suite 1030, Seattle, WA 98101-1170 Date 11/19/2019	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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November 21, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-250947

Dear Ms. Livingston:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of first amended charge

cc: Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-250947

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 21, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4307

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

November 21, 2019

Date

Dennis Snook, Designated Agent of NLRB

Name

Leila Nomoto

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
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November 21, 2019

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-250947

Dear Ms. Stinson-Smiley:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

lu



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

December 31, 2019

John Hauge, VP, Senior
Providence Health Services
Labor & Employment Counsel
1801 Lind Ave SW
Renton, WA 98057

**Re: Swedish Medical Center
Case 19-CA-250947**

Dear Mr. Hauge:

This is to inform you that I have approved the withdrawal of the allegations of the charge that alleges the Employer violated the Act by accessing an employee's private medical records, and by unilaterally changing an employee's terms and conditions of employment by terminating the employee without just cause. All other portions of the charge remain outstanding, and subject to further processing.

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: Shelley Livingston, Director, Labor
Relations
Swedish Medical Center
747 Broadway
Seattle, WA 98122-4379

Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, PC
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Kristen Kussman, Attorney
Douglas Drachler McKee & Gilbrough,
LLP
1904 3rd Ave, Suite 1030
Seattle, WA 98101-1170

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

19-CA-251600

Date Filed

11/12/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Swedish Medical Center		b. Tel. No. 206-386-3403
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston	g. e-mail Shelley.Livingston@swedish.org
		h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about (b) (6), (b) (7)(C), 2019, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6), position in the First Hill Liver disease management clinic in retaliation for (b) (6), participation in protected concerted activities, in doing so, Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating (b) (6) without just cause.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
SEIU Healthcare 1199NW

4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
Service Employees International Union

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.



(signature of representative or person making charge)

Trey Stinson-Smiley, Legal Assistant

(Print/type name and title or office, if any)

Tel. No.
425-306-2802Office, if any, Cell No.
425-306-2802Fax No.
425-917-9707e-mail
TreyS@seiu1199nw.org

Address 15. S. Grady Way, #200 Renton, WA 98057

Date 11/11/2019

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
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November 13, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-251600

Dear Ms. Livingston:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner SARA C. DUNN whose telephone number is (206)220-6318. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206)220-6319.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Aurora J. Wilson, Attorney
Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave. SW
Renton, WA 98057-3368

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-251600

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on November 13, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

Aurora J. Wilson, Attorney
Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St., Ste. 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Ave. SW
Renton, WA 98057-3368

November 13, 2019

Date

Kristy Kennedy
Designated Agent of NLRB

Name


Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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November 13, 2019

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-251600

Dear Ms. Stinson-Smiley:

The charge that you filed in this case on November 12, 2019 has been docketed as case number 19-CA-251600. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner SARA C. DUNN whose telephone number is (206)220-6318. If this Board agent is not available, you may contact Supervisory Field Examiner DIANNE TODD whose telephone number is (206)220-6319.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of charge

cc: Kristen Kussmann, Attorney
Douglas Drachler McKee &
Gilbrough, LLP
1904 3rd Ave., Ste. 1030
Seattle, WA 98101-1170

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

SWEDISH MEDICAL CENTER
and
SEIU HEALTHCARE 1199NW

CASE 19-CA-251600

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Swedish Medical Center

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: John Hauge	
MAILING ADDRESS: 1801 Lind Ave. S.W. Renton, WA 98057	
E-MAIL ADDRESS: john.hauge@providence.org	
OFFICE TELEPHONE NUMBER: 425-525-5629	
CELL PHONE NUMBER:	FAX:
SIGNATURE: <i>John Hauge</i> (Please sign in ink.)	
DATE: 11/20/2019	

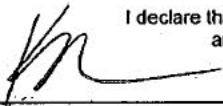
¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER
AMENDED

DO NOT WRITE IN THIS SPACE	
Case 19-CA-251600	Date Filed 11-21-2019

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Swedish Medical Center	b. Tel. No. 206-386-3403
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 747 Broadway Seattle, WA 98122	e. Employer Representative Shelley Livingston
	g. e-mail Shelley.Livingston@swedish.org
	h. Number of workers employed 6,875
i. Type of Establishment (factory, mine, wholesaler, etc.) Hospital	j. Identify principal product or service Healthcare
<p>The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p>	
<p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Within the last six months, Swedish Medical Center terminated (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) position in the First Hill Liver disease management clinic and took other adverse employment actions against (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) participation in protected union and/or concerted activities. Swedish Medical Center also unilaterally changed the terms and conditions of employment for (b) (6), (b) (7)(C) by terminating (b) (6), (b) (7)(C) without just cause. Within the last six months, Swedish Medical Center threatened (b) (6), (b) (7)(C) with termination in retaliation for (b) (6), (b) (7)(C) participation in protected union and/or concerted activities.</p>	
<p>3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU Healthcare 1199NW</p>	
4a. Address (Street and number, city, state, and ZIP code) 15. S. Grady Way, #200 Renton, WA 98057	4b. Tel. No. 425-917-1199 Ext. 1329
	4c. Cell No. 425-306-2802
	4d. Fax No. 425-917-9707
	4e. e-mail TreyS@seiu1199nw.org
<p>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union</p>	
<p>6. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p> Kristen Kussmann, Attorney</p> <p>(signature of representative or person making charge) (Print/type name and title or office, if any)</p> <p>Address 1904 Third Ave, Suite 1030, Seattle, WA 98101-1170 Date 11/21/2019</p>	
<p>Tel. No. 206.623.0900</p> <p>Office, if any, Cell No.</p> <p>Fax No. 206.623.1432</p> <p>e-mail kristen@ddmgllaw.com</p>	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
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Mobile App

November 22, 2019

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Re: Swedish Medical Center
Case 19-CA-251600

Dear Ms. Stinson-Smiley:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

cc: Kristen Kussmann, Attorney
Douglas Drachler McKee & Gilbrough,
1904 3rd Ave Ste 1030
Seattle, WA 98101-1170



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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November 22, 2019

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

Re: Swedish Medical Center
Case 19-CA-251600

Dear Ms. Livingston:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney HELENA A. FIORIANTI whose telephone number is (206) 220-6292. If the agent is not available, you may contact Supervisory Field Examiner JANET C. LITTLE whose telephone number is (206) 220-6340.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to

comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

Enclosure: Copy of first amended charge

cc: Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SWEDISH MEDICAL CENTER

Charged Party

and

SEIU HEALTHCARE 1199NW

Charging Party

Case 19-CA-251600

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 22, 2019, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Shelley Livingston, Director, Labor Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

John Hauge, Attorney
Providence Health Services
1801 Lind Avenue SW
Renton, WA 98057-3368

Aurora J. Wilson, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

November 22, 2019

Date

Dennis Snook, Designated Agent of NLRB

Name

Dennis Snook

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

December 31, 2019

John Hauge, VP, Senior
Providence Health Services
Labor & Employment Counsel
1801 Lind Avenue SW
Renton, WA 98057

**Re: Swedish Medical Center
Case 19-CA-251600**

Dear Mr. Hauge:

This is to inform you that I have approved the withdrawal of the allegations of the charge that alleges the Employer violated the Act by unilaterally changing an employee's terms and conditions of employment by terminating the employee without just cause. All other portions of the charge remain outstanding, and subject to further processing.

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: Shelley Livingston, Director, Labor
Relations
Swedish Medical Center
747 Broadway, MS-NT1450
Seattle, WA 98122-4307

Trey Stinson-Smiley, Legal Assistant
SEIU Healthcare 1199NW
15 S Grady Way, #200
Renton, WA 98057-3239

Ryan P. Hammond, Attorney
Aurora J. Wilson, Attorney
Littler Mendelson, PC
One Union Square
600 University St Ste 3200
Seattle, WA 98101-3122

Kristen Kussmann, Attorney
Douglas Drachler McKee & Gilbrough,
LLP
1904 3rd Ave, Ste 1030
Seattle, WA 98101-1170

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**SWEDISH HEALTH SERVICES
d/b/a SWEDISH MEDICAL CENTER**

and

Case 19-CA-213868

SEIU HEALTHCARE 1199NW

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by SEIU Healthcare 1199NW (the "Union") against Swedish Health Services, d/b/a Swedish Medical Center ("Respondent"), herein identified by its correct name. It is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and alleges that Respondent has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Union on January 29, 2018, and a copy was served on Respondent by U.S. mail on January 30, 2018.

(b) The first amended charge in this proceeding was filed by the Union on February 2, 2018, and a copy was served on Respondent by U.S. mail on February 5, 2018.

2.

(a) At all material times, Respondent has been a State of Washington nonprofit corporation with an office and place of business in Seattle, Washington ("Seattle facility"), and has been engaged in providing health care services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent derived gross revenues in excess of \$250,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent purchased and received goods at its Seattle facility valued in excess of \$50,000 directly from points outside the State of Washington.

(d) At all material times, Respondent has been engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of § 2(14) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and agents of Respondent within the meaning of § 2(13) of the Act:

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

5.

(a) The following employees of Respondent (the "Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act:

All full-time and regular part-time employees employed by Respondent at its Seattle, Everett, and Issaquah, Washington facilities as Maternal Fetal Specialty Center Social Worker, Clinical Social Workers Case Management Relief, Clinical Social Worker Case Management, and Counselor (Addiction Recovery Clinic), excluding all other employees, non-professional employees, and guards and supervisors as defined in the Act.

(b) On May 3 and 4, 2016, a representation election was conducted among employees in the Unit.

(c) On May 12, 2016, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(d) Since about November 18, 2016, Respondent and the Union have been engaged in collective bargaining for a first contract for the Unit.

(e) At all times since May 12, 2016, based on § 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6.

(a) On about (b) (6), (b) (7)(C), 2018, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the Seattle facility, discharged its employee (b) (6), (b) (7)(C)

(b) Respondent engaged in the conduct described above in paragraph 6(a) because the named employee of Respondent supported the Union and engaged in concerted activities, and to discourage employees from engaging in these or other Union and/or protected, concerted activities.

(c) The subject set forth above in paragraph 6(a) relates to wages, hours, and other terms and conditions of employment of the Unit, and is a mandatory subject for the purposes of collective bargaining.

(d) Respondent engaged in the conduct described above in paragraph 6(a) without prior notice to the Union and/or without affording the Union an opportunity to bargain with respect to this conduct and/or the effects of this conduct.

7

By the conduct described above in paragraphs 6(a) and 6(b), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(1) and (3) of the Act.

8.

By the conduct described above in paragraphs 6(a), 6(c), and 6(d), Respondent has been failing and refusing to bargain collectively with the Union as the exclusive collective-bargaining representative of its Unit employees in violation of §§ 8(a)(1) and (5) of the Act.

9.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an order requiring that Respondent reimburse its employee (b) (6), (b) (7)(C) for all search-for-work and work-related expenses as well as for reasonable consequential damages incurred by (b) (6), (b) (7)(C) as a result of

Respondent's unlawful conduct. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before, August 14, 2018, or postmarked on or before August 13, 2018.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules

require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 27th day of November, 2018, at 9 a.m. in the James C. Sand Hearing Room of the Jackson Federal Building, 915 Second Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 31st day of July, 2018.



RONALD K. HOOKS, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave, Suite 2948
Seattle, WA 98174-1006

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 19-CA-213868

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

CERTIFIED MAIL NO.
7018 0360 0000 6458 0798

SHELLEY LIVINGSTON
DIRECTOR OF LABOR RELATIONS
SWEDISH MEDICAL CENTER
747 BROADWAY
SEATTLE, WA 98122-4307

FIRST CLASS MAIL

ROBERT HENNESSY, ATTORNEY
PROVIDENCE HEALTH & SERVICES
1801 LIND AVE SW PARISEAU 2ND
FLOOR
RENTON, WA 98057-3368

FIRST CLASS MAIL

CARSON FLORA, GENERAL COUNSEL
SEIU 1199NW
15 S GRADY WAY STE 200
RENTON, WA 98057-3239

RICHARD A. BROOK, ATTORNEY
MEYER SUOZZI, ENGLISH & KLEIN, P.C.
1350 BROADWAY, SUITE 1400
NEW YORK, NY 10018-0026

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

SWEDISH HEALTH SERVICES
d/b/a SWEDISH MEDICAL CENTER

Respondent

and

SEIU HEALTHCARE 1199NW,

Charging Party

Case 19-CA-213868

RESPONDENT'S ANSWER

Swedish Health Services d/b/a Swedish Medical Center (“Swedish” or “Respondent”) by its undersigned attorneys, for its Answer to the Complaint and Notice of Hearing (the “Complaint”) dated July 31, 2018 states as follows:

Except as otherwise expressly stated herein, Respondent denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint, and Respondent specifically denies that it violated the National Labor Relations Act (the “Act”) in any of the manners alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the Board’s rules, averments in the Complaint to which no responsive pleading is required shall be deemed as denied. Respondent expressly reserves the right to amend and/or supplement its Answer as may be necessary.

1. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1(a) and 1(b) of the Complaint. Respondent

admits that it received copies of the initial charge and the amended charge in Case 19-CA-213868.

2. Respondent admits the allegations contained in Paragraph 2(a) of the Complaint.

3. Respondent admits the allegations contained in Paragraph 2(b) of the Complaint that Respondent derived gross revenues in excess of \$250,000. Respondent denies each and every other allegation set forth in Paragraph 2(b) of the Complaint.

4. Respondent admits the allegations contained in Paragraph 2(b) of the Complaint that Respondent purchased and received goods valued in excess of \$50,000 directly from points Paragraph 2(c) of the Complaint.

5. The allegations contained in Paragraph 2(d) of the Complaint set forth a legal conclusion to which no response is required.

6. The allegations contained in Paragraph 3 of the Complaint set forth a legal conclusion to which no response is required.

7. Respondent admits that the individuals identified in Paragraph 4 that the following individuals have held the positions opposite their respective names, as set forth below

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

To the extent the allegations contained in Paragraph 4 of the Complaint set forth any legal conclusion(s), no response is required. Respondent denies each and every other allegation set forth in Paragraph 4 of the Complaint.

8. Respondent admits the allegations set forth in Paragraphs 5(a-e) of the Complaint.

9. Respondent denies the allegations set forth in Paragraph 6(a) of the Complaint. Respondent avers that on or about (b) (6), (b) (7)(C) 2018, Respondent implemented its decision to terminate (b) (6), (b) (7)(C) employment with Respondent. Respondent avers further that, it implemented its decision on January 22, 2018, only after making three (3) good faith but unsuccessful attempts between January 17 and January 22, 2018, to engage the union and bargain over the decision prior to implementation. Respondent denies each and every other allegation set forth in Paragraph 6(a) of the Complaint.

10. Respondent denies the allegations set forth in Paragraph 6(b) of the Complaint.

11. Respondent denies the allegations set forth in Paragraph 6(c) of the Complaint.

12. Respondent denies the allegations set forth in Paragraph 6(d) of the Complaint.

13. Respondent denies the allegations set forth in Paragraph 7 of the Complaint.

14. Respondent denies the allegations set forth in Paragraph 8 of the Complaint.

15. Respondent denies the allegations set forth in Paragraph 9 of the Complaint.

AFFIRMATIVE DEFENSES

Without assuming any burden of proof, persuasion or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Respondent asserts the following defenses:

1. The claims asserted in the Complaint are barred by the six-month statute of limitations set forth in Section 10(b) of the Act.

2. The Complaint fails to allege facts sufficient to state a claim upon which relief may be granted.

3. Respondent had a non-discriminatory, legitimate and substantial business justification for its decision to terminate (b) (6), (b) (7)(C) employment.

4. Respondent's actions are privileged by law.

5. The Complaint is barred in whole, or in part, because (b) (6), (b) (7)(C) is estopped by (b) (6), (b) (7)(C) own misconduct from obtaining any recovery from Respondent.

6. The remedies requested in the Complaint are impermissible because they are unwarranted; Respondent repeatedly attempted to reach union representatives to bargain over the decision to terminate (b) (6), (b) (7)(C) employment. Accordingly, Respondent met any obligations it might have had under *Total Security Illinois 1, LLC*, 364 NLRB No. 106 (August 26, 2016).

7. The Complaint is barred in whole, or in part, because any alleged protected concerted activity was irrelevant to Respondent's decision to terminate (b) (6), (b) (7)(C) employment.

8. The Respondent presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. The Respondent reserves the right to assert additional affirmative or other defenses as necessary and appropriate.

DATED this 8th day of August, 2018.

Respectfully submitted,

Davis Wright Tremaine LLP

Attorneys for Respondent Swedish Health Services
d/b/a Swedish Medical Center

By /s/ Paula Lehmann

Paula Lehmann
777 108th Ave NE. Suite 2300
Bellevue, Washington 98004
Telephone: (425) 646-6186
E-mail: PaulaLehmann@dwt.com

Peter G. Finch
1201 Third Avenue, Suite 2200
Seattle, Washington 98101
Telephone: (206) 757-8153
E-mail: PeterFinch@dwt.com

CERTIFICATE OF SERVICE

I am employed in the County of King, State of Washington. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, 1201 Third Avenue, Suite 2200, Seattle, WA 98101

On August 14, 2018, I served the following document(s): **RESPONDENT'S ANSWER** by serving each addressee named below, as follows:

Carson Flora, General Counsel
SEIU 1199NW
15 S. Grady Way, Suite 200
Renton, WA 98087
Via Email

Richard A. Brook, Attorney
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 1400
New York, NY 10018-0026
Via Email

I declare under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Executed on August 14, 2018, at San Francisco, California.

Margaret C. Sinnott
Print Name

/s/ Margaret C. Sinnott
Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

**SWEDISH HEALTH SERVICES, D/B/A SWEDISH
MEDICAL CENTER**

and

Case 19-CA-213868

SEIU HEALTHCARE 1199NW

AMENDED COMPLAINT AND NOTICE OF HEARING OF CONSOLIDATED CASES

A Complaint and Notice of Hearing issued in the above-titled case on July 31, 2018, based on a charge filed by SEIU Healthcare 1199NW (the "Union") against Swedish Health Services, d/b/a Swedish Medical Center ("Respondent"). This Amended Complaint and Notice of Hearing, which is based on that charge, is issued pursuant to § 10(b) of the National Labor Relations Act ("the Act"), 29 U.S.C. § 151 *et seq.*, and § 102.17 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and alleges that Respondent has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Union on January 29, 2018, and a copy was served on Respondent by U.S. mail on January 30, 2018.

(b) The first amended charge in this proceeding was filed by the Union on February 2, 2018, and a copy was served on Respondent by U.S. mail on February 5, 2018.

2.

(a) At all material times, Respondent has been a State of Washington nonprofit corporation with an office and place of business in Seattle, Washington ("Seattle facility"), and has been engaged in providing health care services.

(b) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent derived gross revenues in excess of \$250,000.

(c) In conducting its operations described above in paragraph 2(a) during the past 12 months, which is a period representative of all material times, Respondent purchased and received goods at its Seattle facility valued in excess of \$50,000 directly from points outside the State of Washington.

(d) At all material times, Respondent has been engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of § 2(14) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and agents of Respondent within the meaning of § 2(13) of the Act:

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) - (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

-

(b) (6), (b) (7)(C)

5.

(a) The following employees of Respondent (the "Unit") constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act:

All full-time and regular part-time employees employed by Respondent at its Seattle, Everett, and Issaquah, Washington facilities as Maternal Fetal Specialty Center Social Worker, Clinical Social Workers Case Management Relief, Clinical Social Worker Case Management, and Counselor (Addiction Recovery Clinic), excluding all other employees, nonprofessional employees, and guards and supervisors as defined in the Act.

(b) On May 3 and 4, 2016, a representation election was conducted among employees in the Unit.

(c) On May 12, 2016, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(d) Since about November 18, 2016, Respondent and the Union have been engaged in collective bargaining for a first contract for the Unit.

(e) At all times since May 12, 2016, based on § 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

6.

(a) On about (b) (6), (b) (7)(C), 2017, Respondent, by (b) (6), (b) (7)(C) at the Seattle facility, suspended its employee (b) (6), (b) (7)(C).

(b) On about (b) (6), (b) (7)(C) 2018, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at the Seattle facility, discharged its employee (b) (6), (b) (7)(C).

(c) Respondent engaged in the conduct described above in paragraphs 6(a) and 6(b) because its employee (b) (6), (b) (7)(C) supported the Union and engaged in concerted activities, and to discourage employees from engaging in these or other Union and/or protected, concerted activities.

(d) The subject set forth above in paragraph 6(b) relateA to the wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective bargaining.

(e) Respondent engaged in the conduct described above in paragraph 6(b) without prior notice to the Union and/or without affording the Union an opportunity to bargain with respect to this conduct and/or the effects of this conduct.

7.

By the conduct described above in paragraphs 6(a) through 6(c), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(1) and (3) of the Act.

8.

By the conduct described above in paragraphs 6(b), 6(d), and 6(e), Respondent has been failing and refusing to bargain collectively with the Union as the exclusive collective-bargaining representative of its Unit employees in violation of §§ 8(a)(1) and (5) of the Act.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraph 6, the General Counsel seeks an order requiring that Respondent reimburse its employee (b) (6), (b) (7)(C) for all search-for-work and work-related expenses as well as for reasonable consequential damages incurred by (b) (6), (b) (7)(C) as a result of Respondent's unlawful conduct. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Amended Complaint. The answer must be **received by this office on or before November 7, 2018, or postmarked on or before November 6, 2018.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the

transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Amended Complaint are true.

NOTICE OF HEARING OF CONSOLIDATED CASES

PLEASE TAKE NOTICE THAT on the 27th day of November, 2018, at 9 am. in the James C. Sand Hearing Room of the Jackson Federal Building, 915 Second Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board on the allegations of this Amended Complaint as well as those set forth in Case 19-CA-204615 pursuant to an August 15, 2018, Order Granting Motion to Consolidate Cases for Hearing. At the hearing on the two cases, Respondent and any other party to the proceeding have the right to appear and present testimony regarding

the allegations in the Complaint in Case 19-CA-204615 that issued on January 30, 2018, as well as this Amended Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 24th day of October, 2018.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174-1006

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 19-CA-213868

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

CERTIFIED MAIL NO.
70180360 0000 6458 1177

SHELLEY LIVINGSTON, DIRECTOR OF
LABOR RELATIONS
SWEDISH MEDICAL CENTER
747 BROADWAY
SEATTLE, WA 98122-4307

FIRST CLASS MAIL

CARSON FLORA, GENERAL COUNSEL
SEIU 1199NW
15 S GRADY WAY STE 200
RENTON, WA 98057-3239

FIRST CLASS MAIL

ROBERT HENNESSY, ATTORNEY
PROVIDENCE HEALTH & SERVICES
1801 LIND AVE SW
PARISEAU 2ND FLR
RENTON, WA 98057-3368

RICHARD A. BROOK, ATTORNEY
MEYER, SUOZZI, ENGLISH & KLEIN,
P.C.
1350 BROADWAY, SUITE 1400
NEW YORK, NY 10018-0026

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

SWEDISH HEALTH SERVICES
d/b/a SWEDISH MEDICAL CENTER

Respondent

and

SEIU HEALTHCARE 1199NW,

Charging Party

Case 19-CA-213868

RESPONDENT’S ANSWER TO AMENDED COMPLAINT

Swedish Health Services d/b/a Swedish Medical Center (“Swedish” or “Respondent”) by its undersigned attorneys, for its Answer to the Amended Complaint and Notice of Hearing of Consolidated Cases (the “Complaint”)¹ dated October 24, 2018 states as follows:

Except as otherwise expressly stated herein, Respondent denies each and every allegation contained in the Complaint, including, without limitation, any allegations contained in the preamble, headings, or subheadings of the Complaint, and Respondent specifically denies that it violated the National Labor Relations Act (the “Act”) in any of the manners alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the Board’s rules, averments in the Complaint to which no responsive pleading is required shall be deemed as denied.

Respondent expressly reserves the right to amend and/or supplement its Answer as may be necessary.

¹ Respondent respectfully submits that the Complaint appears to be incorrectly titled, as Case 19-CA-213868 has not been consolidated with any other case.

1. Respondent denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 1(a) and 1(b) of the Complaint. Respondent admits that it received copies of the initial charge and the amended charge in Case 19-CA-213868.

2. Respondent admits the allegations contained in Paragraph 2(a) of the Complaint.

3. Respondent admits the allegations contained in Paragraph 2(b) of the Complaint that Respondent derived gross revenues in excess of \$250,000. Respondent denies each and every other allegation set forth in Paragraph 2(b) of the Complaint.

4. Respondent admits the allegations contained in Paragraph 2(b) of the Complaint that Respondent purchased and received goods valued in excess of \$50,000 directly from points Paragraph 2(c) of the Complaint.

5. The allegations contained in Paragraph 2(d) of the Complaint set forth a legal conclusion to which no response is required.

6. The allegations contained in Paragraph 3 of the Complaint set forth a legal conclusion to which no response is required.

7. Respondent admits that the individuals identified in Paragraph 4 that the following individuals have held the positions opposite their respective names, as set forth below

(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	-	(b) (6), (b) (7)(C)

To the extent the allegations contained in Paragraph 4 of the Complaint set forth any legal conclusion(s), no response is required. Respondent denies each and every other allegation set forth in Paragraph 4 of the Complaint.

8. Respondent admits the allegations set forth in Paragraphs 5(a-e) of the Complaint.

9. Respondent denies the allegations set forth in Paragraph 6(a) of the Complaint. Respondent avers that on or about December 20, 2017, Respondent issued interim corrective action to in order to engage the union and bargain over any decision to implement further corrective action prior to implementation. Respondent denies each and every other allegation set forth in Paragraph 6(a) of the Complaint.

10. Respondent denies the allegations set forth in Paragraph 6(b) of the Complaint. Respondent avers that on or about (b) (6), (b) (7)(C) 2018, Respondent implemented its decision to terminate (b) (6), (b) (7)(C) employment with Respondent. Respondent avers further that, it implemented its decision on (b) (6), (b) (7)(C), 2018, only after making three (3) good faith but unsuccessful attempts between January 17 and January 22, 2018, to engage the union and bargain over the decision prior to implementation. Respondent denies each and every other allegation set forth in Paragraph 6(a) of the Complaint.

11. Respondent denies the allegations set forth in Paragraph 6(c) of the Complaint.

12. Respondent denies the allegations set forth in Paragraph 6(d) of the Complaint.

13. Respondent denies the allegations set forth in Paragraph 6(e) of the Complaint.

14. Respondent denies the allegations set forth in Paragraph 7 of the Complaint.

15. Respondent denies the allegations set forth in Paragraph 8 of the Complaint.

16. Respondent denies the allegations set forth in Paragraph 9 of the Complaint.

AFFIRMATIVE DEFENSES

Without assuming any burden of proof, persuasion or production not otherwise legally assigned to it as to any element of the claims alleged in the Complaint, Respondent asserts the following defenses:

1. The claims asserted in the Complaint are barred by the six-month statute of limitations set forth in Section 10(b) of the Act.
2. The Complaint fails to allege facts sufficient to state a claim upon which relief may be granted.
3. Respondent had a non-discriminatory, legitimate and substantial business justification for its decision to terminate (b) (6), (b) (7)(C) employment.
4. Respondent's actions are privileged by law.
5. The Complaint is barred in whole, or in part, because (b) (6), (b) (7)(C) is estopped by (b) (6), (b) (7)(C) own misconduct from obtaining any recovery from Respondent.
6. The remedies requested in the Complaint are impermissible because they are unwarranted; Respondent repeatedly attempted to reach union representatives to bargain over the decision to terminate (b) (6), (b) (7)(C) employment. Accordingly, Respondent met any obligations it might have had under *Total Security Illinois 1, LLC*, 364 NLRB No. 106 (August 26, 2016).
7. The Complaint is barred in whole, or in part, because any alleged protected concerted activity was irrelevant to Respondent's decision to terminate (b) (6), (b) (7)(C) employment.
8. The Respondent presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. The Respondent reserves the right to assert additional affirmative or other defenses as necessary and appropriate.

DATED this 7th day of November, 2018.

Respectfully submitted,

Davis Wright Tremaine LLP
Attorneys for Respondent Swedish Health Services
d/b/a Swedish Medical Center

By /s/ Paula Lehmann

Paula Lehmann
777 108th Ave NE. Suite 2300
Bellevue, Washington 98004
Telephone: (425) 646-6186
E-mail: PaulaLehmann@dwt.com

Peter G. Finch
1201 Third Avenue, Suite 2200
Seattle, Washington 98101
Telephone: (206) 757-8153
E-mail: PeterFinch@dwt.com

CERTIFICATE OF SERVICE

I am employed in the County of King, State of Washington. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, 1201 Third Avenue, Suite 2200, Seattle, WA 98101

On November 7, 2018, I served the following document: **RESPONDENT'S ANSWER TO AMENDED COMPLAINT** by serving each addressee named below, as follows:

Carolyn McConnell
National Labor Relations Board,
Region 19
915 Second Avenue, Suite 2948
Seattle, WA 98174
Via NLRB e-filing systems
carolyn.mcconnell@nlrb.org

Richard A. Brook, Attorney
Meyer, Suozzi, English & Klein, P.C.
1350 Broadway, Suite 1400
New York, NY 10018-0026
Via Email: rbrook@msek.com

Carson Flora, General Counsel
SEIU 1199NW
15 S. Grady Way, Suite 200
Renton, WA 98087
Via Email: carsonf@seiu1199nw.org

I declare under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.

Executed on November 7, 2018, at San Francisco, California.

Margaret C. Sinnott
Print Name

/s/ Margaret C. Sinnott
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Agent's Direct Dial: (206)220-6318

December 4, 2018

SHELLEY LIVINGSTON, DIRECTOR, LABOR RELATIONS
SWEDISH HEALTH SERVICES
747 BROADWAY
SEATTLE, WA 98122-4307

Re: Swedish Health Services, d/b/a Swedish
Medical Center
Cases 19-CA-204615 & 19-CA-213868

Dear Ms. Livingston:

Enclosed is a conformed copy of the Settlement Agreement in the above matter which was approved on November 27, 2018. This letter discusses what the Employer needs to do to comply with the Agreement.

Post Notice: Enclosed are 20 copies of the Notice to Employees. In compliance with the Agreement, a responsible official of the Employer, not the Employer's attorney, must sign and date the Notices and immediately post them in all locations where notices to Social Worker and Addictions Recovery Services bargaining unit members are customarily posted at each of the Employer's facilities where Social Worker and Addiction Recovery Services bargaining unit members work. Such locations were identified in the November 27, 2018 email between the parties. The Notices should be posted for 60 consecutive days after the initial posting. The Employer must take reasonable steps to ensure that the Notices are not altered, defaced or covered by other material. If additional Notices are required, please let me know. During the posting period, a member of the Regional Office staff may visit the Employer's facility to inspect the Notices.

Intranet Posting: The Agreement provides that the Employer will post a copy of the Notice on its intranet site and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Employer will furnish the Regional Office with a paper copy of the intranet or website posting along with the attached completed Certifications of Compliance. In the event the Employer's intranet is password protected, I will contact you if it is necessary to obtain the password for the intranet site.

E-Mailing Notice: The Agreement provides that the Employer will email a copy of the signed and dated Notice to all Social Worker and Addiction Recovery Services bargaining unit members. The message of the e-mail transmitted with the Notice will state: "We are distributing the attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 19 of the National Labor Relations Board in Case 19-CA-204615 &

19-CA-213868.” The Employer will forward a copy of that e-mail, at the time that it is sent, transmitting the Notice to Employees, with all of the recipients’ e-mail addresses to the Field Examiner, Sara Dunn at saradunn@nrlb.gov.

Remedial Actions:

Backpay: The Agreement provides that the Employer will, within 14 days from its approval, make whole the employee named below by payment to him of the amount opposite his name. The Employer should make withholding; however, no withholding should be made from the interest portion of the backpay.

Name	Backpay	Expenses	Interest	Total
(b) (6), (b) (7)(C)	\$18,926.0	\$595.00	\$610.00	\$20,131.00

Two checks should be prepared and mail to me, one for backpay and one for expenses and interest portion. Backpay should be treated as wages and the Employer will make appropriate withholding from the backpay check, however, no withholding should be made from the expenses and interest portion of the backpay.

Expungement of Records: The Agreement further provides that the Employer will remove from its files all reference to the suspension and termination of (b) (6), (b) (7)(C) [REDACTED], and notify (b) (6), (b) (7)(C) [REDACTED] in writing that this has been done and that the suspension and termination will not be used against (b) (6), (b) (7)(C) [REDACTED] in any way. The Employer should provide this office with a copy of the letter notifying (b) (6), (b) (7)(C) [REDACTED] of this expungement.

Rescission of Changes: The Agreement provides that the Employer will, if requested by the Union, rescind changes it made to its “Staffing and Scheduling Guidelines” without first bargaining to impasse with the Union that resulted in its August 2017 version of that document and will restore the 2016 version of the Staffing and Scheduling Guidelines policies called; Adequate Staffing Days and Cancelling Shifts and Time Off Requests. A copy of the documentation that these steps have been taken must be furnished to the Field Examiner together with the Certification of Compliance Part Two.

Certification of Compliance: Certification of Compliance forms are also enclosed. Certification of Compliance Part One should be completed and returned by December 18, 2018, **with two signed and dated original Notices.** The Certification of Compliance Part Two should be completed and returned by December 26, 2018. If the Certifications of Compliance and signed Notice are returned via e-file or e-mail, no hard copies of the Certifications of Compliance or Notice are required.

Please read all the terms of the Settlement Agreement and Notice carefully, as the Employer will be expected to comply with all such provisions. If you have any questions or if I can assist you, please let me know.

December 4, 2018

Closing the Case: When all the affirmative terms of the Settlement Agreement have been fully complied with and there are no reported violations of its negative terms, you will be notified that the case has been closed on compliance. Timely receipt of the signed and dated Notice to Employees and the Certifications of Compliance will assist the Region in closing the case in a timely manner.

Very truly yours,



SARA C. DUNN
Field Examiner

Enclosures: Copy of Conformed Settlement Agreement
Notices to Employees
Certification of Compliance

pr

cc: PETER G. FINCH, ATTORNEY AT LAW
DAVIS WRIGHT TREMAINE, LLP
1201 THIRD AVENUE, SUITE 2200
SEATTLE, WA 98101-3045

LIZ DEDRICK, STAFF ATTORNEY
SEIU HEALTHCARE 1199NW
15 S GRADY WAY STE 200
RENTON, WA 98057-3239

ROBERT HENNESSY, ATTORNEY
PROVIDENCE HEALTH SYSTEMS
1801 LIND AVE SW PARISEAU 2ND FLOOR
RENTON, WA 98057-3368

TREY SMILEY, LEGAL ASSISTANT
SEIU 1199NW HEALTHCARE
15 S GRADY WAY-STE 200
RENTON, WA 98057-3239

CERTIFICATION OF COMPLIANCE
(PART ONE)

RE: Swedish Health Services, d/b/a Swedish Medical Center
Cases 19-CA-204615 & 19-CA-213868

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date) _____ at the following locations: (List specific places of posting)

Intranet Posting

The signed and dated Notice to Employees in the above matter was posted on the Employer's

Intranet/Website on (date) _____. A copy of the intranet/website posting is attached.

E-Mail Distribution

The signed and dated Notice to Employees in the above captioned matter was distributed by e-mail on

(date) _____. Please attach a list of the individuals and email addresses to whom the notice was sent.)

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: _____

Title: _____

Date: _____

This form should be returned to the Field Examiner, together with **TWO** original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and signed Notice are returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

CERTIFICATION OF COMPLIANCE
(PART TWO)

RE: Swedish Health Services, d/b/a Swedish Medical Center
Case 19-CA-204615

Backpay

On (date) _____, the Employer made payment to the employee(s) named in the Settlement Agreement and/or Notice to Employees in the amounts set forth therein. Proof of payment is attached.

Expungement of Records

On (date) _____, the Employer expunged from its records all reference to the suspension and termination and notified the employee that it will not be used against (b) (6), (D) in any way. A copy of the letter of expungement is attached.

Rules rescission/revision

On (date) _____, the Union requested that the Employer rescinded and restore the overly broad rules that are the subject of the Settlement Agreement and referenced in the Notice to Employees.

On (date) _____, the Employer rescinded and restore the overly broad rules that are the subject of the Settlement Agreement and referenced in the Notice to Employees.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY/RESPONDENT

By: _____

Title: _____

Date: _____

This form should be returned to the Field Examiner. If the Certification of Compliance Part Two and signed Notice is returned via e-file or e-mail, no hard copy of the Certification of Compliance Part Two is required.



NOTICE TO EMPLOYEES

POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

FEDERAL LAW GIVES THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefits and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

SEIU 1199NW Healthcare (the "Union") is the exclusive collective bargaining representative for Maternal Fetal Specialty Center Social Workers, Clinical Social Workers Case Management Relief, Clinical Social Worker Case Management, and Counselors (Addiction Recovery Clinic).

WE WILL NOT suspend or fire you because you are a member of or support the Union.

During bargaining for a first contract **WE WILL NOT** terminate your employment without first notifying the Union and giving it a reasonable opportunity to bargain over that decision.

WE HAVE made (b) (6), (b) (7)(C) whole for the wages and other benefits (b) (6), (b) (7)(C) lost and (b) (6), (b) (7)(C) has waived (b) (6), (b) (7)(C) right to reinstatement to (b) (6), (b) (7)(C) former job, without prejudice to (b) (6), (b) (7)(C) seniority or any other rights and/or privileges previously enjoyed. **WE WILL** remove from our files all references to (b) (6), (b) (7)(C) suspension and termination of employment and notify (b) (6), (b) (7)(C) in writing that this has been done and that the suspension and termination will not be used against (b) (6), (b) (7)(C).

WE WILL NOT bypass the Union and deal directly with you concerning changes to your wages, hours, and working conditions, including our Emergency Department employees' shifts and schedules.

WE WILL NOT make changes to your wages, hours, and working conditions, including our Staffing and Scheduling Guidelines, without first bargaining in good faith to impasse with the Union.

WE WILL, if requested by the Union, rescind changes we made to our "Staffing and Scheduling Guidelines" without first bargaining to impasse with the Union that resulted in our August 2017 version of that document, and **WE WILL** restore the 2016 version of the following Staffing and Scheduling Guidelines policies: the Adequate Staffing Days and Cancelling Shifts and Time Off Requests.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Swedish Health Services d/b/a Swedish Medical Center

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

Cases 19-CA-204615 & 19-CA-213868

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (844)762-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer,

915 Second Ave., 29th Floor
Seattle, WA 98174

Telephone: (206) 220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

February 26, 2019

ROBERT HENNESSY, ATTORNEY
PROVIDENCE HEALTH SYSTEMS
1801 LIND AVE SW
PARISEAU 2ND FLOOR
RENTON, WA 98057-3368

PAULA L. LEHMANN, ATTORNEY
DAVIS WRIGHT TREMAINE, LLP
777 108TH AVE NE STE 2300
BELLEVUE, WA 98004-5149

PETER G. FINCH, ATTORNEY
DAVIS WRIGHT TREMAINE, LLP
1201 THIRD AVE STE 2200
SEATTLE, WA 98101-3045

Re: Swedish Health Services, d/b/a Swedish
Medical Center
Case 19-CA-204615 & 19-CA-213868

Dear Mr. Hennessy, Ms. Lehmann and Mr. Finch:

The above-captioned cases have been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

RONALD K. HOOKS
Regional Director

pr

cc: SHELLEY LIVINGSTON, DIRECTOR,
LABOR RELATIONS
SWEDISH HEALTH SERVICES
747 BROADWAY
SEATTLE, WA 98122-4307

LIZ DEDRICK, STAFF ATTORNEY
SEIU HEALTHCARE 1199NW
15 S GRADY WAY STE 200
RENTON, WA 98057-3239

TREY SMILEY, LEGAL ASSISTANT
SEIU 1199NW HEALTHCARE
15 S GRADY WAY-STE 200
RENTON, WA 98057-3239

CARSON FLORA, GENERAL
COUNSEL
SEIU1199NW HEALTHCARE
15 S GRADY WAY-STE 200
RENTON, WA 98057-3239

RICHARD A. BROOK, ATTORNEY
MEYER, SUOZZI, ENGLISH & KLEIN,
P.C.
1350 BROADWAY, 11TH FL.,
NY, NY 10018

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

Swedish Health Services d/b/a Swedish Medical Center

**Case 19-CA-204615 and
19-CA-213868**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in all locations where notices to Social Worker and Addiction Recovery Services bargaining unit members are customarily posted at each of the Charged Party's facilities where Social Worker and Addiction Recovery Services bargaining unit members work. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet site and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password-protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice, in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all Social Worker and Addiction Recovery Services bargaining unit members. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 19 of the National Labor Relations Board in Cases 204615 & 213868." The Charged Party will forward a copy of that e-mail, with all of the recipients' e-mail addresses, to the Region's Compliance Officer at travis.williams@nllrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

BACKPAY — Within 14 days from approval of this agreement, the Charged Party will make whole the employee(s) named below by payment to each of them of the amount opposite each name. The Charged Party will make appropriate withholdings for each named employee. No withholdings should be made from the interest portion of the backpay.

	<u>Backpay</u>	<u>Expenses</u>	<u>Interest</u>	<u>Total</u>
(b) (6), (b) (7)(C)	\$18,926	\$595	\$610	\$20,131

NON-BOARD AGREEMENT – Incorporated by reference is an agreement between the Charged Party, Charging Party, and the alleged discriminatee providing for waiver of reinstatement and release of claims, together with \$17, 369, which serves as consideration.

NON-ADMISSION – Nothing in this Agreement shall constitute the Charged Party's admission that it has violated the Act in any way.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or

(b) (6), (b) (7)(C)

any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

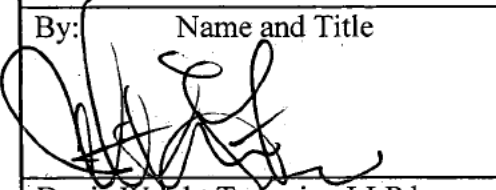
PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes (b) (6), (b) (7)(C) _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party the Regional Director will reissue the complaints previously issued on January 30 and October 24, 2018, in the instant cases.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party Swedish Health Services d/b/a Swedish Medical Center	Charging Party SEIU 1199NW Healthcare
By:  _____ Name and Title Date 11.27.18	By: _____ Name and Title Date 11/27/18
Davis Wright Tremaine LLP by Peter G. Finch, Attorney	Print Name and Title below Secretary Treasurer

Recommended By:

Date

Approved By:

Date

CAROLYN MCCONNELL

~~Field Attorney~~ Counsel for the

11/27/18

RONALD K. HOOKS

Regional Director, Region 19

11/27/18

General Counsel

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

11/27/18

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

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WE WILL NOT make changes to your wages, hours, and working conditions, including our Staffing and Scheduling Guidelines, without first bargaining in good faith to impasse with the Union.

WE WILL, if requested by the Union, rescind changes we made to our "Staffing and Scheduling Guidelines" without first bargaining to impasse with the Union that resulted in our August 2017 version of that document, and **WE WILL** restore the 2016 version of the following Staffing and Scheduling Guidelines policies: the Adequate Staffing Days and Cancelling Shifts and Time Off Requests

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

Swedish Health Services d/b/a Swedish Medical Center

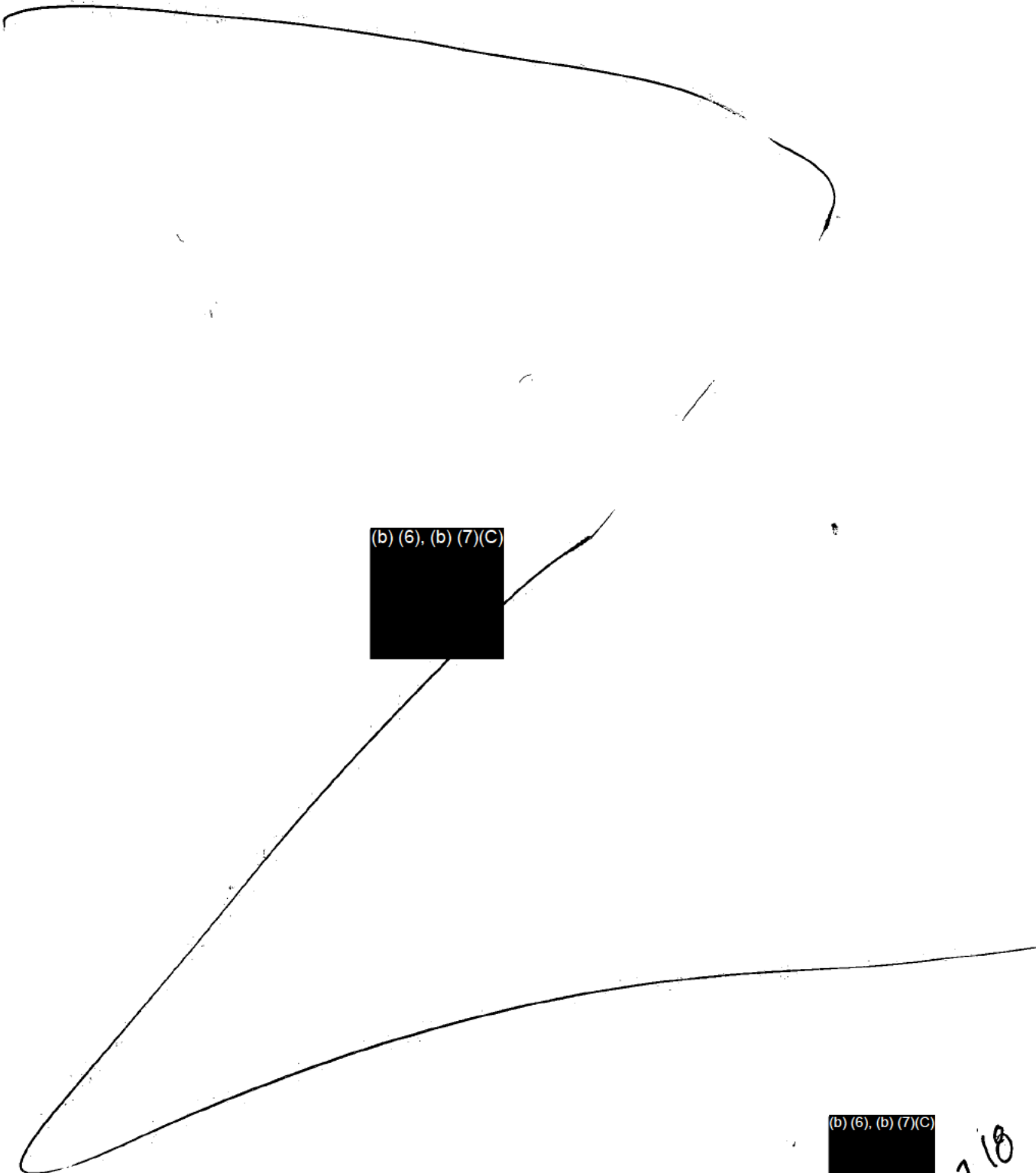
(Employer)

(b) (6), (b) (7)(C)

1/27/18

Dated: _____ By: _____
(Representative) (Title)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

11.27.18

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

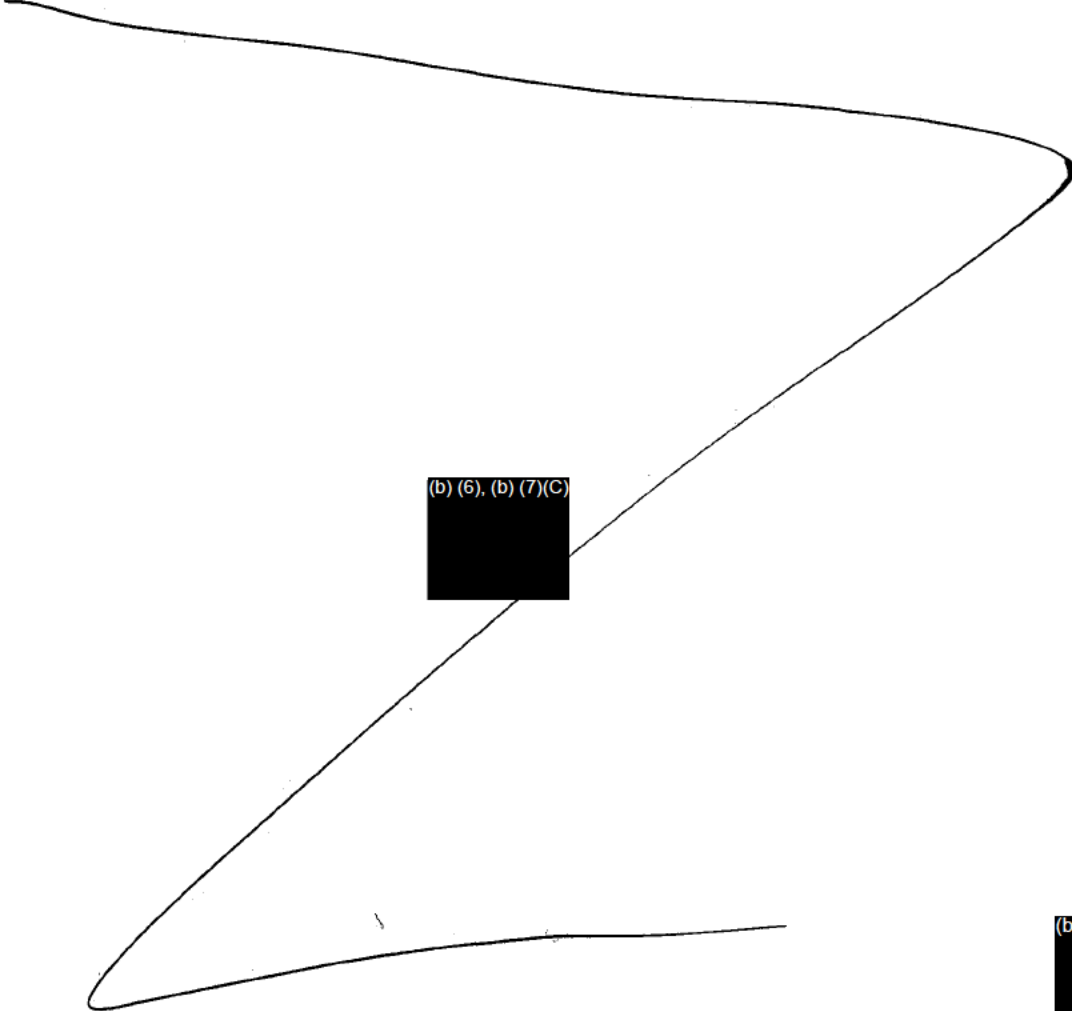
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Telephone: (206)220-6300
Hours of Operation: 8:15 a.m. to 4:45 p.m.

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This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

11/27/18